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SH2144589



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

September 26, 2005

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Peavy:

Re: J.S.I.D. File No: 05-0219
L.A.S.D. File No: 005-05835-2608-055

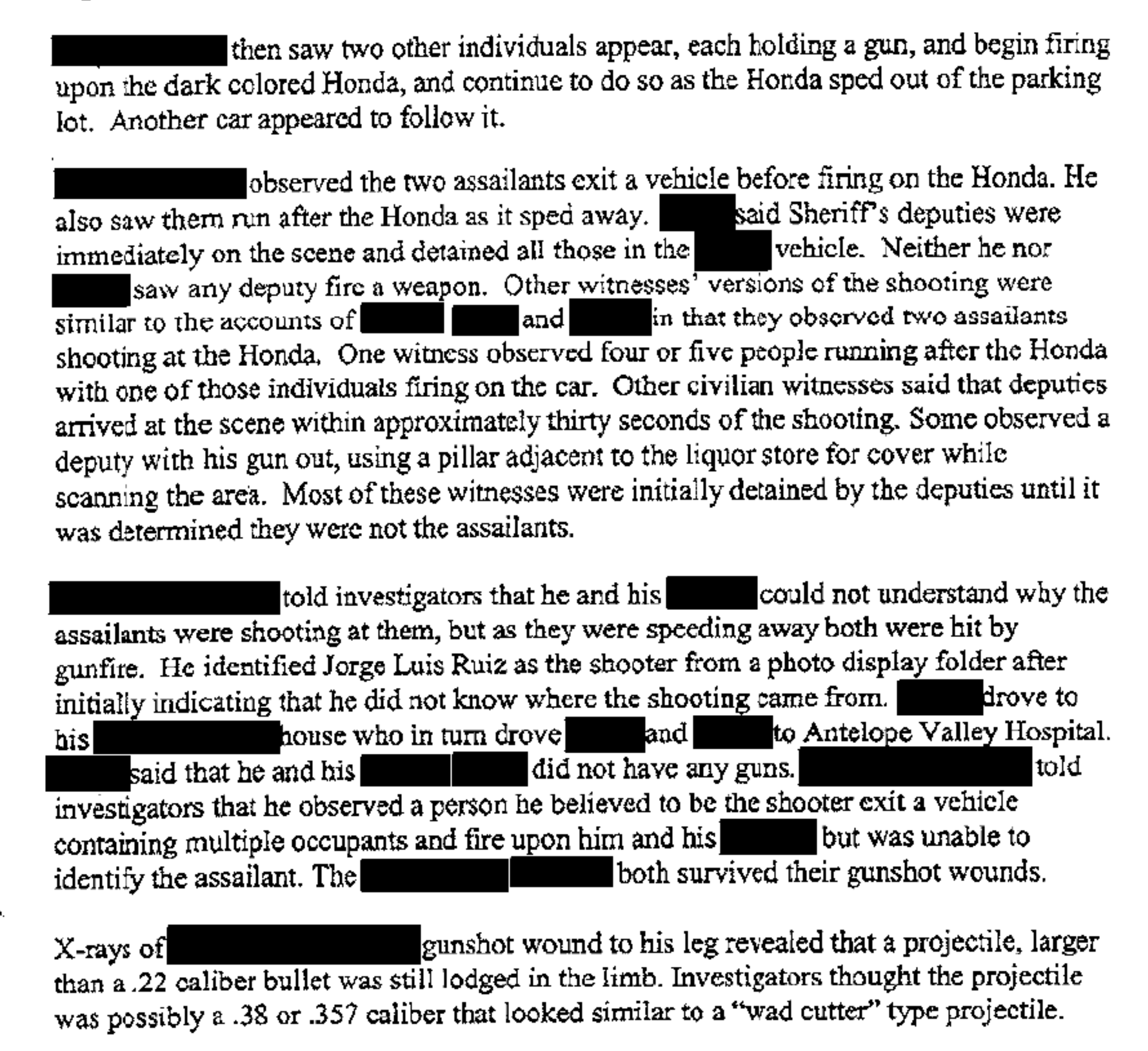
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 1, 2005, non-fatal shooting of Jorge Ruiz by Los Angeles County Sheriff Deputies Eric Metten and Jeff Hutchinson. We have concluded that the deputies acted lawfully and in self-defense.

The following analysis is based on reports and photographs of the scene prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, and submitted to this office on August 30, 2005 by Detective [redacted] Compelled statements were not provided or requested from the Homicide Bureau. The District Attorney's Command Post was notified of the shooting on Saturday, April 2, at 12:50 a.m. Deputy District Attorney Gilbert Wright and Senior Investigator [redacted] responded to the scene of the shooting and were given a briefing and a 'walk-through' of the scene, and participated in interviewing several civilian witnesses.

FACTUAL ANALYSIS

In the late evening hours of April 1, 2005, a stabbing and a shooting took place near B1 Liquors, located in a strip mall at 38533 35th Street East in Palmdale, California. Sheriff Investigators believed that the Westside Playboy gang and the Val Verde Park gang were involved in that shooting and possibly involved in the stabbing. At approximately 11:30 p.m., [redacted], [redacted], and [redacted] went to the liquor store to obtain cigarettes. [redacted] and [redacted] stayed in the car while [redacted] went in the store. [redacted] observed two individuals, later determined to be [redacted] and [redacted], exit the store and enter a dark colored Honda. [redacted] believed one of the individuals was showing a handgun to someone in the store.

Clara Shortridge Foltz Criminal Justice Center
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[redacted] then saw two other individuals appear, each holding a gun, and begin firing upon the dark colored Honda, and continue to do so as the Honda sped out of the parking lot. Another car appeared to follow it.

[redacted] observed the two assailants exit a vehicle before firing on the Honda. He also saw them run after the Honda as it sped away. [redacted] said Sheriff's deputies were immediately on the scene and detained all those in the [redacted] vehicle. Neither he nor [redacted] saw any deputy fire a weapon. Other witnesses' versions of the shooting were similar to the accounts of [redacted] [redacted] and [redacted] in that they observed two assailants shooting at the Honda. One witness observed four or five people running after the Honda with one of those individuals firing on the car. Other civilian witnesses said that deputies arrived at the scene within approximately thirty seconds of the shooting. Some observed a deputy with his gun out, using a pillar adjacent to the liquor store for cover while scanning the area. Most of these witnesses were initially detained by the deputies until it was determined they were not the assailants.

[redacted] told investigators that he and his [redacted] could not understand why the assailants were shooting at them, but as they were speeding away both were hit by gunfire. He identified Jorge Luis Ruiz as the shooter from a photo display folder after initially indicating that he did not know where the shooting came from. [redacted] drove to his [redacted] house who in turn drove [redacted] and [redacted] to Antelope Valley Hospital. [redacted] said that he and his [redacted] [redacted] did not have any guns. [redacted] told investigators that he observed a person he believed to be the shooter exit a vehicle containing multiple occupants and fire upon him and his [redacted] but was unable to identify the assailant. The [redacted] [redacted] both survived their gunshot wounds.

X-rays of [redacted] gunshot wound to his leg revealed that a projectile, larger than a .22 caliber bullet was still lodged in the limb. Investigators thought the projectile was possibly a .38 or .357 caliber that looked similar to a "wad cutter" type projectile.

Deputies Metten and Hutchinson were interviewed and told investigators they were traveling eastbound on Palmdale Boulevard in a marked black and white Sheriff's SUV, en route to a "415 call," when they observed over one hundred people standing in the strip mall parking lot. As they passed one of the stores they saw an individual, later identified as Jorge Ruiz, a Val Verde Park Street gang member, run into the parking lot with his arm raised up and shooting a handgun in the direction of the crowd. They stopped their vehicle and Hutchinson exited immediately.

Hutchinson believed Ruiz was chasing after someone. He then observed two other individuals in the parking lot both holding handguns. Hutchinson was "some distance" away, east of Ruiz when Ruiz pointed his gun in Hutchinson's direction.

Hutchinson immediately fired four rounds upon Ruiz and the other armed suspects who were standing in the general vicinity of each other, and then looked for cover. He recalled Ruiz fleeing the scene at this point.

Deputy Metten informed Sheriff's dispatch of the shooting and then exited the vehicle. He fired upon Ruiz as well when Ruiz pointed the gun toward Hutchinson and himself, fearing that they were going to be shot. At the time, Ruiz was running close to a parked car. He recalled Ruiz momentarily disappearing behind the parked car, then reappearing, and fleeing in a "southerly direction." Metten fired several rounds again at Ruiz and thought that he struck him. He recalled that Ruiz ran in a "wide V-shape configuration" towards the Auto Zone Store and then out of sight.

Ruiz was ultimately captured by several deputies, including Deputy William Velek, on the west side of the Auto Zone store. Ruiz initially walked away from Velek when ordered to show his hands. When the order was repeated to stop and raise his hands, Ruiz slowly dropped to his knees and laid his face on the ground. He was eventually taken to Providence Holy Cross Medical Center for treatment of his gun injuries. He suffered a through-and-through gunshot wound to his right ankle and another wound to his right lower back where a projectile was recovered.

A grouping of approximately 50 expended .22 caliber Long Rifle casings were found in the parking lot directly in front of the B1 Liquor Store and 50 feet west of Metten's and Hutchinson's unit. A loaded .38 caliber revolver was discovered inside a planter on the west side of the Auto Zone Store, 10 feet south of where Ruiz was captured. This area faces onto the street. A loaded .22 Long Rifle caliber semiautomatic pistol was recovered inside a planter on the east side of the Auto Zone building which faces the liquor store. The Auto Zone building is approximately 100 feet west of the B1 Liquor Store on the opposite end of the parking lot.

Investigators also observed that the [redacted] vehicle had three bullet holes to the rear window, one bullet hole on the rear driver's side window and to the left door, and the front windshield was shattered in two places over the right passenger seat. Other than the statement of one witness, no evidence has been presented which would indicate that the [redacted] possessed a weapon at the time of this shooting.

Jorge Ruiz voluntarily spoke to Sheriff's investigators at Holy Cross Hospital, and admitted going to the B1 Liquor Store in a car with several of his fellow Val Verde Park gang members. He could not remember their last names and/or only knew them by their nickname, and did not know the addresses to their residences. Several "car loads" of Val Verde Park gang members were in the parking lot at the liquor store at the time they arrived. While in the liquor store he heard gunshots. When he walked out of the store he

heard more gunshots and ran to his car, but as he reached the car he was shot in his leg and stomach. He was unable to get back in the vehicle and fell to the ground. The vehicle drove off and left him there. Ruiz said he remembered very little after that, but recalled seeing a deputy sheriff almost immediately after he hit the ground. He admitted handling his fellow Val Verde Park gang member's .38 caliber gun a week before this shooting and possibly the day before, but denied having a gun on the date of this shooting. He said that there was no gun in the car he was riding in.

Sheriff's investigators served a search warrant on Ruiz' home. In his bedroom they found four "Remington Peters" .38 caliber Special, brass casing, wad cutter rounds and 12 "CCI" brand, non reloadable, .38 Special, aluminum casing, round nosed rounds. Many of these rounds were of the same make and model of those casings found in the .38 caliber weapon discovered in the Auto Zone planter. The Antelope Valley Branch of the Los Angeles County District Attorney's Office filed four counts of attempted murder against Ruiz in case number MA031542.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense or the defense of another actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 C.A.3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30 and 5.32.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo* (1948) 85 C.A.2d 577.

"The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-- in circumstances that are tense, uncertain and rapidly evolving--about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397, 104 L.Ed.2d 443, 109 S.Ct. 1865.

The overwhelming evidence shows that Jorge Ruiz fired on the [redacted] while in the B1 Liquors/Auto Zone parking lot, and that the parking lot was filled with many other potential victims. Deputies Hutchinson and Metten had a duty to stop, investigate, and protect the lives of those individuals. Having observed Ruiz fire at the crowd then point his weapon in their direction, Hutchinson's and Metten's response with deadly force was reasonable and lawful.

Therefore, it is the conclusion of this office that Deputies Hutchinson and Metten acted in self-defense and defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

GILBERT WRIGHT
Deputy District Attorney
(213) 974-4634

c: Deputy Eric Metten, #[redacted]
Deputy Jeff Hutchinson, #[redacted]

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 04/02/05	Bureau/Station/Facility: PALMDALE STATION	Admin. Invest.? [ ]	Hit? [X]

Incident Information

URN: 005-05835-2608-055

Date: 04/01/05 Time: 2330 HRS

City or Station: PALMDALE STATION

Location: 3005 EAST PALMDALE BOULEVARD "B1 LIQUOR"

Nature of Incident: While driving east on Plamdale Blvd. @ 30th St. East, the deputies observed what appeared to be gang members shooting handguns at each other. The deputies stopped & exited their vehicle and took cover near a building. Suspect Ruiz turned towards the deputies and pointed his handgun at them. Fearing for their safety, both deputies fired their handguns striking the suspect.

Location Type (*circle one or more*):
- Backyard
- Beach
- Business
- Freeway
- Industrial
- Park
- **Parking Lot** (circled)
- Residence
- Rural
- School
- Street
- Other: ______

Lighting (*circle only one*):
- **Darkness** (circled)
- Daylight
- Other
- Street Lights

Weather (*circle only one*):
- **Clear** (circled)
- Cloudy
- Fog
- Rain

Distance: APPROX. 40 FEET

Incident Type (*circle one or more*):
- Accidental
- **Armed Person** (circled)
- Fleeing Suspect
- Foot Pursuit
- Gun Take Away
- Moving Vehicle
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Warning Shot
- Other: ______

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- **Observation** (circled)
- One Person Unit
- Other
- Search Warrant
- Two Person Unit

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- **Routine Patrol** (circled)

Total # of Shots Fired by Deputy: 14

Total # of Shots Fired by Suspect: 10

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]				

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]				

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]				

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)	
[redacted]	AYALA	ADALBERTO	J.	**On Duty** (circled); Present during shooting	Witness to shooting; Involved in shooting
				On Duty; Present during shooting	Witness to shooting; Involved in shooting

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Employee #	Last Name	First Name	M.I.
[redacted]	NEMETH	JOHN	A.

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See Reverse

Officer Involved Shooting

URN: 005-05835-2608-055

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/02/05	0045 HRS	02/15/2006	

Employee #	Last Name	First Name	M.I
[redacted]	BAIRD	MARSHALL	W.
[redacted]	SUTTON	WES	
[redacted]	LEE	STACY	L.

Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton:(Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton:(Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PH)	Personal Weapon (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon (Push)
(CT)	Control Holds:(Control Techniques)	(PO)	Personal Weapon (Other)
(TT)	Control Holds:(Team Takedown)	(RS)	Resistance
(TD)	Control Holds:(Takedown)	(CN)	Restraint Device (Capture Net)
(CE)	Chemical	(RH)	Restraint Device (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device:Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device:Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E #1	FH	ZZ	38	N	N	NN	
E#1	S #1	FH	BR	9	Y	Y	GS	AD
S#1	E #2	FH	ZZ	38	N	N	NN	
E#2	S #1	FH	BR	9	Y	Y	GS	AK

Officer Involved Shooting
Involved Employee Information

URN: 005-05835-2608-055

Involved Employee

E 1

Employee # [redacted]	Last Name HUTCHINSON	First Name JEFFREY	M.I. H.
Sex: M Race: W	Rank DEPUTY	Unit Assignment: PALMDALE STATION	Work Assignment (Unit #, Module, etc.): 266A
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 510 Weight: 190			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name METTEN	First Name ERIC	M.I. A.
Sex: M Race: W	Rank DEPUTY	Unit Assignment: PALMDALE STATION	Work Assignment (Unit #, Module, etc.): 266A
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 511 Weight: 150			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]		Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 005-05835-2608-055

Suspect Information

S 1

Last Name: RUIZ	First Name: JORGE	M.I.: G.
AKA Last Name:	First Name:	M.I.:

Sex: M Race: HISPANIC	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #:
Age: 19 D.O.B. 03/17/1986	Height: 601 Weight: 165	FBI #: [redacted]	CII #: [redacted]
Booking # 8517282	Primary Charge: 664/187 P.C.	Secondary Charge: 246 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: NONE		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]			
[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]			
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB CASE NUMBER SH2144589
URN: 005-05835-2608-055

On April 2, 2005, at approximately 0045 hours, Sergeants Marshall Baird and Wes Sutton, along with Lieutenant Stacy Lee of Internal Affairs responded to 3005 Palmdale Boulevard, Palmdale regarding a deputy involved hit shooting involving personnel from Palmdale Station. Lieutenant Daniel Rosenberg along with Investigators, [redacted], Dawn Retzlaff, Richard Graves, Steve Lankford, Randy Seymour and Kathleen Gallager from Homicide Bureau were on scene to conduct the criminal investigation. The Office of Independent Review also responded.

On April 1, 2005, at approximately 2338 hours, Deputies Metten and Hutchinson were traveling eastbound on Palmdale Boulevard at 30th Street East, in a marked Sheriff's Sport Utility Vehicle when they observed a male Hispanic (suspect) running north across Palmdale Boulevard, shooting into a crowd of people. The deputies immediately broadcast their observations via Sheriff's radio and stopped their vehicle east of the strip mall. After exiting their vehicle they fired at the suspect when he pointed a handgun at them. Simultaneous with this, the deputies broadcast a "998," and within three minutes responding units arrived and captured the suspect on the west side of the strip mall. The suspect was subsequently transported to a hospital, where he received treatment for his injuries.

The suspect in this incident (Ruiz) and/or one or two unidentified suspects apparently saw two rival gang members in the parking lot. They then jumped out of a car which was westbound on Palmdale Boulevard and began chasing and firing at them. The victims fled to their car and drove away west through the parking lot and north on 30th Street East. The suspects continued to chase and shoot at the vehicle. At one point during the assault, Suspect Ruiz faced east toward the deputies and pointed his gun at them.

The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel as well as information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau investigative package. (***Refer to Exhibit A***)

On September 26, 2005, the Los Angeles County District Attorney's Office, Justice Integrity Division completed it's review of this deputy involved shooting and concluded that Deputies Metten and Hutchinson acted lawfully and in self-defense. (***Refer to Exhibit B***)

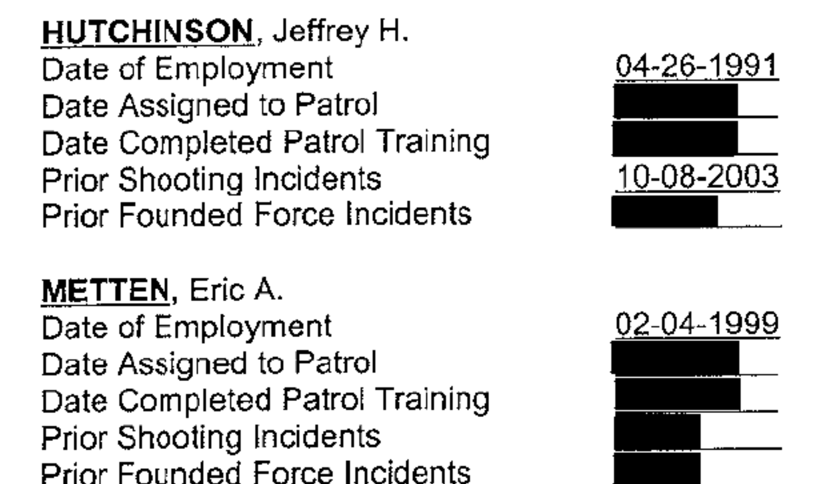
INVOLVED PERSONNEL

HUTCHINSON, Jeffrey H., Deputy Sheriff, #[redacted]
Field Operations Region I

Lancaster Station

METTEN, Eric A., Deputy Sheriff, #[redacted]
Field Operations Region I
Lancaster Station

Work History



HUTCHINSON, Jeffrey H.

Date of Employment	04-26-1991
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Prior Shooting Incidents	10-08-2003
Prior Founded Force Incidents	[redacted]

METTEN, Eric A.

Date of Employment	02-04-1999
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	[redacted]
Prior Shooting Incidents	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT

RUIZ, Jorge Luis, MH/19, DOB: 03-17-1986, Booking #8517282
[redacted]

Suspect Ruiz' Consolidated Criminal History Report (CCHRS) shows that he has [redacted] (***For further information refer to Exhibit C***)

WITNESSES

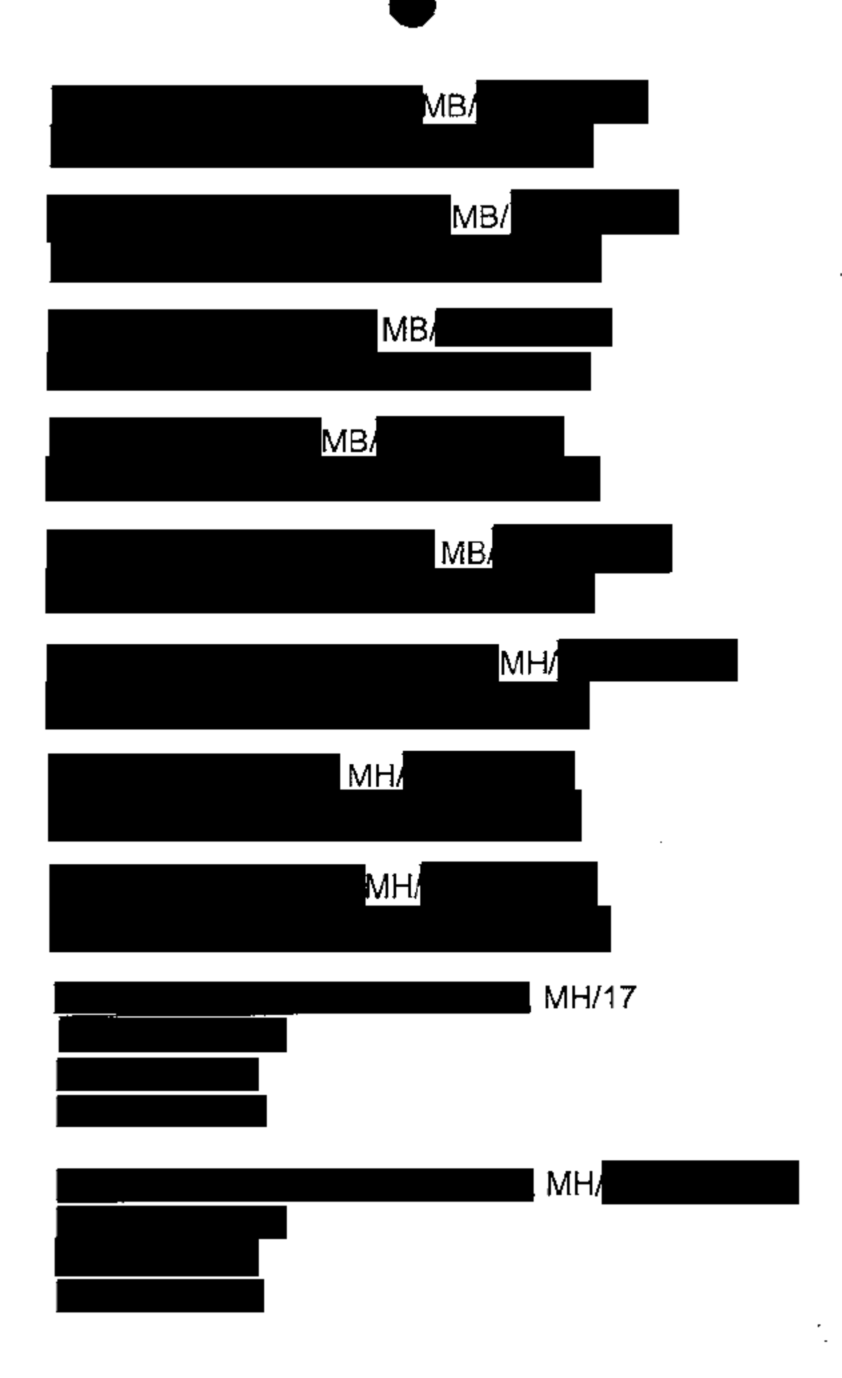
Sworn Witnesses

None.

Civilian Witnesses



[redacted] MB/[redacted]
[redacted]



[redacted] MB/[redacted]

[redacted] MB/[redacted]

[redacted] MB/[redacted]

[redacted] MB/[redacted]

[redacted] MB/[redacted]

[redacted] MH/[redacted]

[redacted] MH/[redacted]

[redacted] MH/[redacted]

[redacted] MH/17
[redacted]

[redacted] MH/[redacted]

IAB NOTE: ***There were additional witnesses identified and interviewed; however, none of these citizens actually witnessed the shooting, they only heard gunshots. For further information, refer to Exhibit A, pages 42 through 48.***

INJURIES

RUIZ, Jorge
- Gunshot wound to right ankle (through and through).

- Gunshot wound to right lower back.

Suspect Ruiz was transported to and treated at Holy Cross in Mission Hills by Doctor David Hanpeter. (***For further information, Exhibit A, page 26***)

No deputies sustained any injuries.

PHYSICAL EVIDENCE

Refer to Exhibit A, pages 30 through 42 and pages 80 through 110.

INVESTIGATOR OBSERVATIONS

The crime scene is located on the northeast corner of 30th Street East and Palmdale Boulevard. The incident occurred in a parking lot area located within a strip mall type shopping center. There were two driveways that allowed access onto the westbound lanes of Palmdale Boulevard. There were two additional driveway entrances/exits that allowed access onto the northbound lanes of 30th Street East.

The crime scene was also bordered by businesses, which are positioned in an L configuration, running in a north to south and east to west direction on the east and north portion of the crime scene. There was overhead street lighting on Palmdale Boulevard and in the strip mall. Investigators also saw a marked black and white, Los Angeles County Sheriff's Department, Ford Expedition, parked with the front end facing in a northeast direction in the number two lane of westbound Palmdale Boulevard. This vehicle was approximately seventy-five feet east of the south entrance to the strip mall. (***Refer to photographs, Exhibit D***)

WEAPONS USED BY DEPUTY PERSONNEL

HUTCHINSON, Deputy Jeffrey

Department authorized/issued Beretta 9mm, Model 92FS, semi-automatic pistol, serial number BER[redacted]Z, fired four rounds of Department authorized 9mm ammunition.

METTEN, Deputy Eric

Department authorized (personally owned) Beretta 9mm, Model 92FS, stainless steel, semi-automatic pistol, serial number BER[redacted] fired ten rounds of Department authorized 9mm ammunition.

WEAPONS USED BY SUSPECT

RUIZ, Jorge

RG 38 Special, six shot revolver, nickel plated, brown plastic grips, serial number [redacted] containing six fired .38 caliber cartridges within the cylinder. (***For further information, refer to Exhibit A, page 34 and photograph, Exhibit D***)

PROPERTY DAMAGE

For information regarding property damage, please refer to Exhibit A, pages 37 through 42 and pages 85 and 86.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator:	Detective [redacted]
Court:	Lancaster
Charges:	Attempt Murder, 664/187 (A)P.C. (Case number MA031542)
Court Date:	01/25/2006

LIGHTING AND WEATHER CONDITIONS

The incident occurred during darkness and the weather was cold.

INVOLVED EMPLOYEES' STATEMENTS

HUTCHINSON, Deputy Jeffrey

Deputy Hutchinson was interviewed on April 2, 2005, by Detectives [redacted] and Dawn Retzlaff of Homicide Bureau and on February 6, 2006, by Sergeants Marshall Baird and Rick Smith of Internal Affairs Bureau. Also present in both interview was Deputy Hutchinson's ALADS attorney, Mitchell S. Kander. The interviews were tape recorded and the following is a summary of both interviews:

Deputy Hutchinson said that on the day of the incident, he started his shift at [redacted] He was partnered with Deputy Eric Metten. Hutchinson was the driver and they were designated unit "266A." Deputy Hutchinson was wearing a Class A Sheriff's uniform with a Sam Brown belt, ballistic vest and black boots.

Deputy Hutchinson said that just prior to the incident, they were in the process of refueling their vehicle at the county yard when they received a disturbance fight call (tag 411) at 35th Street East and Avenue Q.

Deputy Hutchinson said after refueling, they drove east on Palmdale Boulevard and as they traversed through the intersection at 30th Street East, he and his partner observed a large crowd of people standing in the parking lot of the location (northeast corner). Hutchinson said as they passed the "Auto Zone" store, he saw a male Hispanic adult (Suspect Jorge Ruiz), running north across Palmdale Boulevard into the parking lot of a strip mall with his arms raised up and pointing a handgun in a northerly direction.

Deputy Hutchinson said that the suspect (Jorge Ruiz) was "actively" chasing someone. He said he distinctly remember seeing Ruiz shooting the gun and thought to himself, "that guy is shooting somebody right there, and we're driving right past it." He said he believed the suspect was "gonna shoot" them (Hutchinson and Metten).

Hutchinson said that after confirming that his partner was witnessing the same thing, he

stopped their vehicle just east of Ruiz' location in the westbound number two lane of Palmdale Boulevard (***refer to diagram, Exhibit A, page 103***). As he exited, Hutchinson said he saw two other unidentified male Hispanics each holding what he described as "silver" handguns. At first, Hutchinson said he believed that Ruiz and the two other individuals were together.

Deputy Hutchinson said as he stood behind the driver's door, Ruiz pointed his weapon in his direction. Hutchinson fearing for his life, said he fired what he thought were two rounds from his handgun from the driver's door area, and immediately began looking for cover. He said that after firing his weapon, Ruiz and the two other individuals turned and ran in an unknown direction.

Deputy Hutchinson said he then heard his partner, Deputy Metten initiate a broadcast, "998," via Sheriff's radio over his handheld radio (***Refer to Audio CD, Exhibit C***). He said "immediately" after hearing Metten broadcast the "998," he heard what he believed was his partner discharging his firearm at the same suspects.

Deputy Hutchinson said he then took cover behind a pillar on the south side of "B1 Liquor" (***Refer to diagram, Exhibit A, page 103***) and as he did, he saw Metten standing in the middle of Palmdale Boulevard, but did not see the suspect. He then instructed Metten to seek cover and advised him that his (Hutchinson's) handheld radio was malfunctioning, preventing him from broadcasting any information concerning this incident.

Deputy Hutchinson said that after additional Palmdale units arrived, he and his partner were transported to the station. As they were being escorted from the scene, Metten advised him that Ruiz had been wounded and was lying on the west side of the "Auto Zone" store.

For further information, refer to Hutchinson's verbatim transcripts.

METTEN, Deputy Eric

Deputy Eric Metten was interviewed on April 2, 2005, at approximately 0600 hours by Detectives Dawn Retzlaff and [redacted] of Homicide Bureau and on February 6, 2006, by Sergeants Marshall Baird and Rick Smith of Internal Affairs Bureau. Also present in both interviews was Deputy Metten's ALADS attorney, Mitchell Kander from Green and Shinee. The interviews were tape recorded and the following is a summary of those interviews:

Deputy Metten said that on the evening of the incident, he started his shift at [redacted] He was partnered with Deputy Hutchinson [redacted]. He said Hutchinson was the driver and they were designated unit "266A." Deputy Metten was wearing a Class A Sheriff's uniform with Sam Brown belt, ballistic vest and black boots.

Deputy Metten said that prior to the incident, they were refueling their vehicle at the county yard when they received a disturbance fight call in the vicinity of 35th Street East and Avenue Q.

Deputy Metten said that after refueling their vehicle, they drove east on Palmdale Boulevard and as they traversed through the intersection of 30th Street East, he saw a "male Hispanic with a shaved head, black shirt, black pants, holding a dark pistol in his right hand, running northwest across Palmdale Boulevard and shooting at a group of people," in the parking lot of a strip mall, located at the northeast corner of 30th Street East and Palmdale Boulevard. Metten said he distinctly remembered seeing "muzzle flashes coming out of the suspect's weapon."

Deputy Metten then said to his partner, "Look at that guy," grabbed the radio microphone and immediately broadcast via Sheriff's radio that they were "witnessing a 245 occur." He said Hutchinson also saw the suspect running. Metten said Hutchinson then stopped their patrol vehicle eastbound on Palmdale Boulevard on the opposite side of traffic (westbound lanes), just east of "B1 Liquor," facing in a northeast direction. ***(Refer to crime scene diagram, pages 103 and 104)***

Deputy Metten said as he exited the vehicle he continued to broadcast on the "patch." He said at that point, Deputy Hutchinson "started to shoot and that's when I went 998." Metten said he then moved to the rear of their sport utility vehicle and that's when he saw Hutchinson moving and looking for cover towards the liquor store. Deputy Metten said he then saw this same suspect (Ruiz) run to a dark colored vehicle that was stopped in the parking lot near the eastern most driveway.

Metten said the suspect then raised his gun, pointed it in a easterly direction, and fired the gun towards a group of people who were in front of the Chinese food store and donut shop. Fearing for the safety of these citizens and believing the suspect was trying to kill someone, Metten immediately began firing his duty weapon at the suspect. Metten said the suspect then retreated to the rear of the dark colored vehicle and disappeared. He said he continued to hear gunshots and people screaming. He said he wasn't sure if the suspect had been hit by his gunfire or was running away.

IAB NOTE: The crime scene diagram shows two expended 9mm cartridge cases at the rear of the SUV patrol vehicle and third cartridge several feet north of left rear bumper. There were also bullet strikes to the donut shop and restaurant (Exhibit A, page 103, items 5, 6 and 7).

Deputy Metten said that since he was confronted with an "active shooter," he moved forward west along Palmdale Boulevard, leaving the cover of his vehicle, he believed the suspect was down as a result of being hit with gunfire. As he reached the eastern most driveway of the location, Metten executed a tactical reload, and since he was unable to locate the suspect, he began to retreat for cover. As he did this, he saw the suspect (Ruiz) get up and point his weapon at him. Metten then re-engaged the suspect a second time, firing ten or eleven rounds. He said he believed Ruiz was hit, because he went down.

IAB NOTE: The crime scene diagram prepared by the crime lab (Exhibit A, page 103) shows a discarded 9mm auto magazine containing eight live rounds along with seven expended 9mm cartridge

cases in the number two lane of westbound Palmdale Boulevard near the north curb line and east of the apron of the eastern most driveway.

Deputy Metten said that he was unsure if the suspect had fired his weapon at himself or his partner. He said moments later other Palmdale units arrived and took control of the situation.

For further information, refer to Deputy Metten's verbatim transcripts.

WITNESS STATEMENTS

[redacted]

Mr. [redacted] said that he was seated in a car in the parking lot in front "B1 Liquors" at the time of the incident.

[redacted] said he went to the location along with three [redacted] and [redacted] to purchase some cigarettes. He said he was seated in the right front passenger seat. [redacted] said that [redacted] was driving and they parked north and west of the liquor store.

[redacted] said while waiting for [redacted] to exit the store, he saw two male Hispanics exit the liquor store. He noticed that one of the individuals had a black gun in his hand. [redacted] then told the others what he had witnessed, but they didn't believe him. He said as [redacted] was backing up their car, [redacted] saw these same two male Hispanics get into a dark colored Honda. [redacted] said the Honda was parked facing north in the parking stall directly west of the driveway entrance leading from Palmdale Boulevard.

[redacted] said he then saw two other male Hispanics appear with guns, they began shooting at the dark colored Honda. He said one of these males continued to shoot at the
Honda as it sped southwest out of the parking lot. [redacted] said he also saw a second car, which he believed the second pair of males had exited from, drive from the parking lot. He was unable to describe this car.

[redacted] said he never saw any deputies shooting their guns, and in fact, was unaware any deputies were involved until after the incident was over.

For further information, refer to Exhibit A, page 3.

[redacted]

Mr. [redacted] said he was dropped off in front of the liquor store so he could get some cigarettes. While in the store, he said he saw two male Hispanics enter the store after he did. [redacted] described one of them as being approximately 23-24 years old, average height, skinny, bald head and wearing all black clothing. He described the other male Hispanic as being 17 years old and short. He was wearing a red hooded sweatshirt.

[redacted] said the two male Hispanics walked out of the store while he was buying his cigarettes. As he completed his transaction and began to walk out, he heard gunshots. He then saw the male Hispanic dressed in all black clothing, standing next to a tan Honda. He said he didn't see a gun in this man's hands. He then remembered seeing the Honda driving west through the parking lot. He said he didn't recall anyone chasing the Honda.

[redacted] said he also remembered hearing gunshots coming from Palmdale Boulevard, but was unaware that any deputies had been involved in a shooting until later.

[redacted]

Mr. [redacted] said that at the time of the incident, he was seated in the driver's seat of his Oldsmobile Cutlass in the parking lot of the liquor store. He said that after dropping off one of his passenger's, he parked just north and west of the store, but not in the stalls located adjacent to the walkway in front of the store.

[redacted] said while sitting in his car, he saw a car, which he described as a medium sedan, drive up and stop on Palmdale Boulevard near the driveway entrance located near the liquor store. He said this car was facing west. He then saw two male Hispanics exit the front and rear passenger doors of this same car with handguns in their hands. He said he saw both of these individuals begin to shoot at another car which was parked facing south in the parking stall located immediately west of the aforementioned driveway entrance.

Mr [redacted] said this car accelerated from the parking stall, driving west through the parking lot, as the two men continued to shoot while running. [redacted] described a male that exited the rear passenger seat as being Hispanic, approximately 5'06" tall with a medium build, wearing a black hood over his head. He said this male was carrying a silver handgun.

[redacted] said he did not see the deputies discharge their firearms.

[redacted]

Mr. [redacted] was seated in his vehicle in front of the liquor store at the time of the incident. He said he went into the store and bought some sunglasses and then returned to his vehicle. Mr. [redacted] said that soon after he returned, he heard gunshots. He then ducked down to avoid be struck.

Mr. [redacted] said he looked up immediately following the gunshots and saw a deputy standing next to a round pillar (Deputy Huthcinson) located near the southwest corner of the liquor store. He said he did not see anyone discharge a gun at the location.

[redacted]

Mr. [redacted] said he was seated in the passenger seat of [redacted] vehicle in the parking lot of the liquor at the time of the incident. He said he and [redacted] were in the midst of a

conversation when he heard gunshots. [redacted] said he turned to his right and saw a man standing in the parking lot holding a gun. He was unable to provide investigators with a description of this male.

[redacted] said the male was positioned in the parking lot where the driveway entrance from Palmdale Boulevard intersects with the first east/west parking lot aisle. He said this male was pointing his gun towards the west.

[redacted] said he ducked down and when he looked back up, he saw two deputies standing near the pillars at the southwest corner of the liquor store.

[redacted] said he did not see the deputies fire their guns.

[redacted]

[redacted] was interviewed on April 2, 2005, at approximately 0441 hours by Homicide Investigator Steinwand inside of the "B-1 Liquors." Also present was Sergeant Sutton of Internal Affairs Bureau.

[redacted] who is [redacted] at the liquor store, said he was preparing to [redacted] when he heard gunshots and saw people running around the store. He said as soon as he heard the shots, he hid behind the store counter.

[redacted] said he never saw anyone with a gun nor did he see the deputies discharge their firearms.

[redacted]

[redacted] was interviewed on April 2, 2005, at approximately 0448 hours, by Homicide Investigator Steinwand inside of "B-1 Liquor." Also present were Deputy District Attorney Wright and Sergeant Sutton of Internal Affairs Bureau.

[redacted] said he was [redacted] in the store at the time of the incident. He said two male entered the store and asked for gloves, but they did not have their size. [redacted] said the two males exited the store and within thirty seconds he heard gunshots being fired. He said he thought the gunshots originated from the area near the southwest corner of the liquor store and the parking lot area west of the store.

[redacted] said he called 911 and was told that deputies were already at the location. He did not see the deputies discharge their firearms.

[redacted]

[redacted] was interviewed on April 2, 2005, at approximately 0501 hours by Homicide Investigator Steinwand inside of "B-1 Liquor." Also present were Deputy District Attorney Wright and Sergeant Sutton of Internal Affairs Bureau.

[redacted] said he was [redacted] in the store at the time of the incident. He said he was

[redacted] a [redacted] at the counter when he observed two young males enter the store. [redacted] said he [redacted] and at some point the two males left the store.

[redacted] said that one of [redacted] then informed him that one of the males had a gun, but he never saw it. He said shortly after the two males exited the store, he heard gunshots. [redacted] said he believed the gunshots originated from the south and west sides of the store. He said he never saw any of the deputies fire their weapons.

[redacted]

[redacted] was interviewed on April 2, 2005, at approximately 0712 hours, by Homicide Investigator Steinwand inside of "B-1 Liquor." Also present were Deputy District Attorney Wright and Sergeant Sutton of Internal Affairs Bureau.

[redacted] said he was at the front counter paying for some items at the time of the incident. He said he recalled seeing two males enter the store while he was inside. [redacted] said they made eye contact with each other, but there were no problems between them.

[redacted] said these two males subsequently walked outside, and shortly thereafter, he heard gunshots. He said at first, he thought someone was firing into the store, but when he didn't hear glass breaking, he exited via the front door. [redacted] said as he walked outside he no longer saw the two males that had exited the store. He then heard tires squealing and when he looked to the south, he saw a deputy firing his gun in a north westerly direction. [redacted] said he could not recall how many shots the deputy fired or what he was shooting at. He said he saw another deputy, but did not see this deputy shoot his gun.

[redacted] described the deputy he saw firing his gun as being Caucasian, in his thirties, with a flat top hair style and was a "little chubby."

[redacted]

[redacted] was interviewed on April 6, 2005, at approximately 1745 hours by Homicide Investigators [redacted] and Retzlaff. The interview was tape recorded and the following is a summary of that interview:

[redacted] said that on the day of the incident, he had gone to a party in the vicinity of 35th Street East and Avenue Q, with his [redacted]. He said upon arriving, the party had ended, so he and his [redacted] decided to go to the B1 Liquor Store.

[redacted] said that as they exited the store and got back into their car (silver Honda), they heard gunshots. He then saw a male Hispanic, who he was unable to identify, appear from "nowhere" and begin shooting at them while they were seated in the car.

[redacted] sustained a gunshot wound to his lower leg from the suspect's gun

fire.

For further information, refer to Exhibit A, pages 26, 27, 53 and 54.

[redacted]

[redacted] was interviewed on April 2, 2005, at approximately 0712 hours by Homicide Investigator Steinwand at Palmdale Sheriff's Station. Also present was Sergeant Sutton of Internal Affairs Bureau.

[redacted] said at the time of the incident he was driving his silver Honda Civic in the parking lot at the location. His [redacted] was the sole passenger. He said that prior to arriving at the liquor store, he and his [redacted] had driven by a party near 35th Street East and Avenue Q, but didn't stay because the party had ended.

[redacted] said that when they arrived at the liquor store, he parked his car facing south in the parking stall immediately west of the driveway entrance near the southwest corner of the store. He said he and his [redacted] both got out of the car and went inside the liquor store. [redacted] said he was going to buy some gloves, but since they didn't have any he wanted, they left.

[redacted] said he was seated in his car when the shooting occurred. [redacted] said that just prior to the shooting, he saw a silver Toyota Camry that was traveling westbound on Palmdale Boulevard pull into the parking lot and stop. He then saw a male Hispanic, who he later identified as Suspect Ruiz, exit the rear door of this car. [redacted] said he lost sight of the suspect as he was attempting to back out of the parking space. Her said he then heard five or more gunshots, which he believed originated from behind his car.

[redacted] sustained a through-and-through gunshot wound to his left hand from the suspect's gun fire.

For further information, refer to Exhibit A, page 54 and 53.

SUSPECT STATEMENTS

Suspect Jorge Ruiz was interviewed on April 6, 2005, at approximately 1040 hours, by Detectives Dawn Retzlaff and [redacted] of Homicide Bureau at Holy Cross Hospital. The interview was tape recorded and the following is a summary of that interview:

Ruiz said that prior to the shooting incident he attended a party in the vicinity of 35th Street East and Avenue Q with several fellow "Val Verde Park" gang members. He said when the party ended he accompanied his friend [redacted] aka: "[redacted]" in a blue Nissan Pathfinder to B1 Liquor (location).

Ruiz told detectives that he was inside the store when her heard gunshots. When he exited, he claimed the shots were even louder in volume. Ruiz then turned and began running towards [redacted] car and as he did, he felt he had been shot in the leg. He also said he felt a sharp pain in his stomach.

Ruiz said as he reached [redacted] car, his friends drove off leaving him stranded. Ruiz said he then collapsed onto the walkway in front of B1 Liquor. Ruiz told detectives that after being shot and collapsing to the ground, he was unable to recall anything else.

Ruiz denied that he had fired a gun on the night of the incident or pointed a gun at the deputies, even though detectives informed him that 38 caliber revolver was recovered from the scene near him and that a gunshot residue test proved positive for gun powder on his hands. Ruiz said he may have handled a gun recently that belonged to one of his "Homies." He was also unaware that he had been shot by the deputies.

> ***IAB NOTE:*** ***Based on the evidence (bullet fragment) that was removed from the suspect at the hospital, he was in fact struck by the deputies gun fire.***

Ruiz also admitted to detectives that he was a member of the "Val Verde Park" street gang.

For further information, refer to Ruiz' verbatim transcript and Exhibit A, pages 50, 51 and 52.

MISCELLANEOUS SECTION

None.